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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,129	06/05/2006	William H. Punzel	353.327	8711

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BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE, WI 53203

EXAMINER

KUHN, MART K

ART UNIT	PAPER NUMBER
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3637

NOTIFICATION DATE	DELIVERY MODE
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01/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

Office Action Summary

Application No.

10/542,129

Applicant(s)

PUNZEL ET AL.

Examiner

Mart K. Kuhn

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,25-27,30-32,34,39-41 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,25-27,30-32,34,39-41 and 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/29/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 22 October 2007. These drawings are acceptable.

Claim Rejections—35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 25–26 and 39–40 are rejected under 35 U.S.C. 103(a) as being unpatentable over König, DE 197 00 330, in view of Yenglin et al., US patent 6,056,376. König discloses a cabinet (10) defining an interior; a door arrangement (14) movable between open and closed positions; differently configured storage modules (22, 34, 34.2, 37, 39) adapted to be mounted within the cabinet interior, and sets of storage modules mounted within the cabinet (Figs. 1, 2); firearm storage modules (22, 34, 34.2) configured to support and store firearms (30), and sets of firearm storage modules forming firearm storage arrangements (Figs. 1, 2); and shelf-type storage components (37, 39) secured within the cabinet along with the firearm storage modules. König thus teaches a cabinet system as claimed, with the exception of a door arrangement having a pair of folding door sections movable to a retracted position within the interior of the cabinet. Yenglin et al. teach a storage cabinet (10) defining an interior; and having a door arrangement with a pair of folding door sections (20, 21), the door sections being movable between a closed position (Figs. 1, 4) preventing access to the cabinet interior and an open position (Fig. 5) granting access thereto, and being movable (via sliding hinge 40) to a retracted position (Fig. 5, right side) when in the open position. It would have been obvious, to one of

ordinary skill in the art at the time the invention was made, to modify the cabinet of König by replacing the single door with a pair of retractile folding sections, as taught by Yenglin et al., for the purpose of enabling the door arrangement to be tucked out of the way when not being used to secure the cabinet contents. Regarding claims 25–26, König and Yenglin et al. teach a cabinet structure meeting every claimed structural and functional limitation, thereby inherently teaching the claimed method steps of providing and mounting.

4. Claims 4–6, 9–10, 27, 30–32, 34, 41 and 44–45 are rejected under 35 U.S.C. 103(a) as being unpatentable over König and Yenglin et al. as applied to claims 3, 26 and 39 above, and further in view of Sells et al., US patent 4,868,975. Regarding claims 4, 27 and 41, König discloses firearm storage modules including stock rests (22) and barrel supports (34, 34.2), but not pistol supports. Sells et al. disclose a storage cabinet having firearm storage modules including stock rests (50), barrel supports (60, 70, 110), and pistol supports (150). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified by Yenglin et al. to include a retractile folding door arrangement, by including a pistol support, as taught by Sells et al., for the purpose of enabling the cabinet to contain and secure a wide variety of firearms.

Regarding claim 5, König teaches a stock rest configured for engagement with a lower wall of the cabinet (Fig. 1), but not one having spaced apart recesses. Sells et al. teach a stock rest (50) having spaced apart recesses (see Figs. 1, 2), each defining an area for an individual firearm (R, S). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified as above, by including spaced apart recesses in the stock rest, as taught by Sells et al., for the purpose of defining individual areas for the stocks of the supported firearms.

Regarding claims 6, 30–31 and 44–45, König teaches a cabinet having a plurality of barrel rests (34, 34.2) secured above the stock rest via engagement with a mounting member (38); the mounting member extending between a pair of spaced structural members (18, 20), and being capable of supporting a variety of structures. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified as above and including pistol supports, by supporting the pistol supports on the mounting member.

Regarding claims 9, 10, 32 and 34, König teaches rests and supports having a mounting section (52.2) and a barrel support section (34, 34.2), the mounting section having an engagement member (54) engaging a selected one of a plurality of spaced openings (36) in the mounting member.

Regarding claims 27, 30–32 and 34, König, Yenglin et al. and Sells et al. teach every claimed structural and functional limitation, thereby inherently teaching the claimed method steps of providing, mounting, and securing.

5. Claims 7, 8 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over König, Yenglin et al. and Sells et al. as applied to claims 6 and 45 above, and further in view of Lavin et al., US patent 3,495,717. König teaches a mounting member (38) extending between a pair of spaced apart vertical support members (18, 20), but not a mounting member engaging a vertically spaced engagement structure on the vertical support members whereby the elevation of the support member can be adjusted. Lavin et al. disclose a cabinet (1) containing a mounting member (7) with a plurality of openings (23) engaged by a variety of supports and rests (28), the mounting member having end sections (10, 12) mating with and engaging spaced openings in vertical support members (5), allowing the mounting member to be raised and lowered for convenience and accessibility. It would have been obvious, to one of ordinary skill in the art at

the time the invention was made, to modify the cabinet of König, already modified by Yenglin et al. and Sells et al., by including mating engagement structure on the vertical support members and the mounting member, as taught by Lavin et al., for the purpose of enabling the vertical repositioning of the mounting member.

6. Claims 11–12 are rejected under 35 U.S.C. 103(a) as being unpatentable over König, Yenglin et al. and Sells et al., as applied to claim 6 above, and further in view of Bentley, US patent 5,271,174. König teaches firearm supports with mounting sections (52.2) configured to engage the mounting member (38), and a mounting member with a series of laterally spaced openings (36) engaging the mounting sections; but König, Yenglin et al. and Sells et al. do not teach pistol supports with axial support members configured to be received within the barrel of a pistol. Bentley teaches a pistol support (10) having a mounting section (42) configured to engage a mounting surface, and an outwardly extending axial support member (23, 24) configured to be received within the barrel (14) of a pistol (12). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified by Yenglin et al. and Sells et al., by including on each pistol support a mounting section to engage the mounting member and an axial support member to be received within the barrel of a pistol, as taught by Bentley, for the purpose of positively and safely securing a pistol in the cabinet.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over König and Yenglin et al. as applied to claim 1 above, and further in view of Fildes, US patent 1,811,312. Yenglin et al. teach folding door sections having inner (20b, 21a) and outer (20a, 21b) sections, the inner sections being adjacent each other when in a closed position, and a locking arrangement (50) for the door arrangement; but König and Yenglin et al. do not teach a locking arrange-

ment having latch members and control members on each door section. Fildes teaches a cabinet having a door arrangement with a pair of folding door sections (A, B, C; A', B', C'), each having an inner member (C, C') and outer door members (A, B; A', B'), the folding door sections being movable between closed and open positions; and a locking arrangement, including latch members (25, 26) carried by each folding door section and movable between engaged and release positions, and control members (30–33) carried by each folding door section and movable between first and second positions; the control members overlying the inner door members in the first position and being secured together (as by 40; page 2, liens 124–128). Thus, König and Yenglin et al. teach a cabinet system which differs from the claimed device only by the substitution of one latch arrangement for another; and the claimed latch arrangement and its function were known in the art, as shown by Fildes. One of ordinary skill in the art could have modified the cabinet of König, already modified by Yenglin et al. as above, by substituting the latch mechanism of Fildes for the latch mechanism of Yenglin et al., with predictable results.

Response to Arguments

8. Applicant's arguments, see page 11, filed 22 October 2007, with respect to the objections to the drawings, specification, and claims, and the rejections under 35 U.S.C. § 112, have been fully considered and are persuasive. The objections and rejections have been withdrawn.

9. Applicant's arguments, see pages 11–16, filed 22 October 2007, with respect to the rejection(s) of claim(s) 1, 25 and 39 under 35 U.S.C. § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of König and Yenglin et al., as set forth above. As noted above, König teaches a cabinet system substantially as claimed, and Yenglin et al. teach a retractile door arrangement as claimed, which could have been substituted for the door arrangement of König with predictable results.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form PTO-892 enclosed herewith.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

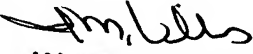
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mart K. Kuhn whose telephone number is (571) 272-8926. The examiner can normally be reached on M–F, 8:30am–5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MKK MKK
12/27/2007


JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637